

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

FILED

MAY 11 2005

ARLEN B. COYLE, CLERK
BY *MM* *MAILED* *Deputy*

TRANSAMERICA LIFE INSURANCE
AND ANNUITY COMPANY

PLAINTIFF

V.

CIVIL ACTION NO. 2:04CV190MA

RACHEL RILEY
RACHAEL HEATHER U. FOSTER
TARA J. UTZ
MARGARET A. UTZ
PRESLEY McCAIN UTZ, a minor
MARTHA R. FLY
NANCY R. JUNKIN
MATTHEW A. JUNKIN
JIMMY P. UTZ, deceased
RILEY BLAKE EDDINGTON, a minor

DEFENDANTS

**AGREED ORDER AUTHORIZING DISBURSEMENT OF INTERPLED FUNDS
AND DISMISSING THIS CAUSE WITH PREJUDICE**

This cause came on for hearing on the Joint Motion *ore tenus* of all parties hereto seeking entry of this Agreed Order authorizing and directing the Clerk of this Court to disburse the funds previously interpled and paid into the registry of this Court by Transamerica Life Insurance and Annuity Company [“Transamerica”], and dismissing this cause with prejudice.

By their signatures below, the attorneys for the parties represent and confirm to the Court that all claims arising from and/or pertaining to Transamerica Occidental Life Insurance Company policy no. 6319876 and Transamerica Life and Annuity Company policies nos. 2302959 and 7382175, have been fully and finally settled, compromised and resolved.

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D. Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 2

Without limiting the foregoing, by their signatures below the attorneys for the named Defendants (other than Rachel Riley) and other potential parties in interest represent and confirm to the Court that they have waived, disclaimed, relinquished and abandoned any and all right, title and interest in and to the subject interpled funds and the Transamerica policies referenced above.

The Court having considered the Joint Motion, and being otherwise advised in the premises, finds that the Joint Motion is well taken and should be granted.

IT IS THEREFORE ORDERED:

1. The Clerk of this Court is hereby authorized and directed to disburse forthwith the funds interpled and paid into the registry of this Court by Transamerica on August 16, 2004, to wit, \$248,437.75, together with all interest accrued thereon, and to deliver the funds forthwith as set forth below.

2. The Clerk shall issue two separate checks and transmit them to Chapman, Lewis & Swan, Attorneys at Law, P.O. Box 428, Clarksdale, MS 38614, attn: Ralph E. Chapman, as follows:

A. \$ 16,810.81 to "Chapman, Lewis & Swan, Attorneys at Law."

This is the amount of reasonable attorneys fees and expenses to be paid by Rachel Riley to the law firm for legal services rendered and expenses advanced herein, pursuant to the applicable agreement between Riley and the law firm.

B. The balance of the interpled funds shall be paid to "Hartford Insurance Company, c/o Chapman, Lewis & Swan, Attorneys at Law."

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D.Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 3

3. The other Defendants' right, title and interest in and to the subject interpled funds and Transamerica policies referenced above is hereby deemed waived, disclaimed, relinquished and abandoned.

4. Upon the Clerk's transmittal of the interpled funds as set forth above, this cause shall be deemed dismissed with prejudice without necessity of entry of a further Order. This Order shall dismiss with prejudice all claims which have or might have been asserted by and among the parties herein, including but not limited to Rachel Riley's Counterclaim against Transamerica, and any and all Cross-Claims which have or might have been asserted by and among any of the Defendants herein.

5. Each party shall bear its own costs and attorneys fees herein.

SO ORDERED, THIS THE 6th DAY OF MAY, 2005.

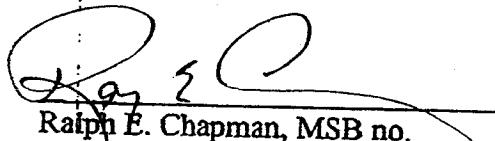
Michael P. Drill
U. S. D. C. Judge

Order prepared and submitted by:

Joshua J. Wiener
Joshua J. Wiener, MSB #7185
Attorney for Transamerica

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D.Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 4

Approved for entry by:



Ralph E. Chapman, MSB no.
Attorney for Rachel Riley

Ashley Ogden, MSB no.
Attorney for Estate of Preston Jimmy Utz,

John C. Cox, MSB no.
Attorney for Estate of Preston Riley, deceased
By and through Martha Riley Fly, individually, and as Executrix

Andrew Westerfield, MSB no.
Attorney for Nancy Junkin and Matthew Arnold Junkin

James K. Warrington, MSB, no.
Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor

Lindsey Meador, MSB no.
Attorney for Rachel Heather Utz Foster

Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor

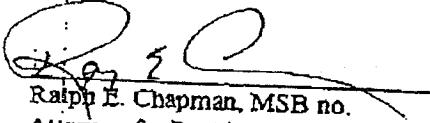
03/16/2005 11:47 FAX 601-949-4555

BUTLER SNOW ATTYS.

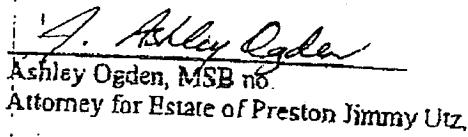
4006.

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D.Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 4

Approved for entry by:



Ralph E. Chapman, MSB no.
Attorney for Rachel Riley



J. Ashley Ogden
Ashley Ogden, MSB no.
Attorney for Estate of Preston Jimmy Utz,

John C. Cox, MSB no.
Attorney for Estate of Preston Riley, deceased
By and through Martha Riley Fly, individually, and as Executrix

Andrew Westerfield, MSB no.
Attorney for Nancy Junkin and Matthew Arnold Junkin

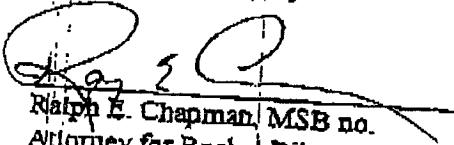
James K. Warrington, MSB, no.
Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor

Lindsey Meador, MSB no.
Attorney for Rachel Heather Utz Foster

Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor

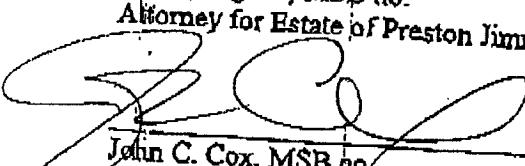
Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D. Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 4

Approved for entry by:

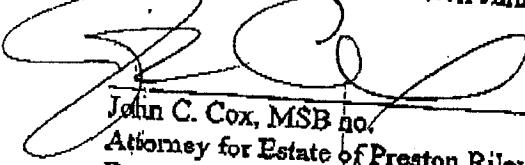


Ralph E. Chapman, MSB no.

Attorney for Rachel Riley

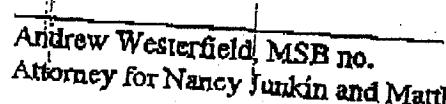

Ashley Ogden, MSB no.

Attorney for Estate of Preston Jimmy Utz,

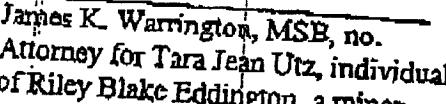

John C. Cox, MSB no.

Attorney for Estate of Preston Riley, deceased

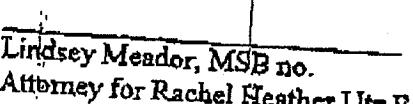
By and through Martha Riley Fly, individually, and as Executrix


Andrew Westerfield, MSB no.

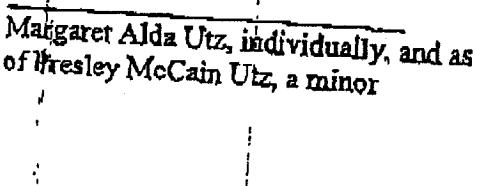
Attorney for Nancy Junkin and Matthew Arnold Junkin


James K. Warrington, MSB no.

Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor


Lindsey Meador, MSB no.

Attorney for Rachel Heather Utz Poster


Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor

APR-20-2005(WED) 09:29 WESTERFIELD & JANOUSH

(FAX)16628467134

P. 005/005

Rx Date/Time APR-19-2005(TUE) 15:33
04/19/2005 16:40 FAX 601 949 4555

601 949 4555

P. 005

BUTLER SNOW ATTYS.

005

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D. Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 4

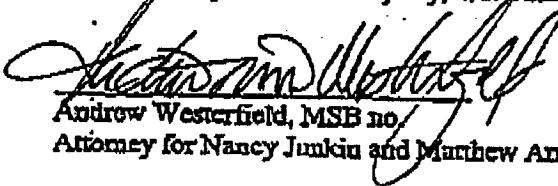
Approved for entry by:



Ralph E. Chapman, MSB no.
Attorney for Rachel Riley

Ashley Ogden, MSB no.
Attorney for Estate of Preston Jimmy Utz.

John C. Cox, MSB no.
Attorney for Estate of Preston Riley, deceased
By and through Martha Riley Fly, individually, and as Executrix


Andrew Westerfield, MSB no.
Attorney for Nancy Junkin and Matthew Arnold Junkin.

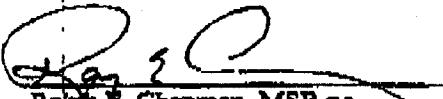
James K. Warrington, MSB, no.
Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor

Lindsey Meador, MSB no.
Attorney for Rachel Heather Utz Foster

Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D.Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 4

Approved for entry by:

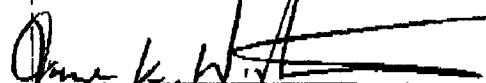


Ralph E. Chapman, MSB no.
Attorney for Rachel Riley

Ashley Ogden, MSB no.
Attorney for Estate of Preston Jimmy Utz.

John C. Cox, MSB no.
Attorney for Estate of Preston Riley, deceased
By and through Martha Riley Fly, individually, and as Executrix

Andrew Westerfield, MSB no.
Attorney for Nancy Junkin and Matthew Arnold Junkin


James K. Warrington, MSB, no.
Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor

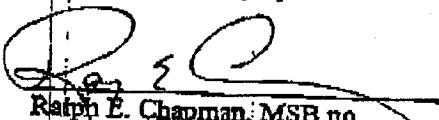
Lindsey Meador, MSB no.
Attorney for Rachel Heather Utz Foster

Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor

Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D.Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order

page 4

Approved for entry by:



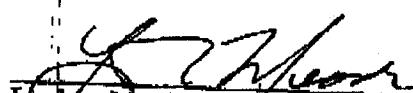
Ralph E. Chapman, MSB no.
Attorney for Rachel Riley

Ashley Ogden, MSB no.
Attorney for Estate of Preston Jimmy Utz,

John C. Cox, MSB no.
Attorney for Estate of Preston Riley, deceased
By and through Martha Riley Fly, individually, and as Executrix

Andrew Westerfield, MSB no.
Attorney for Nancy Junkin and Matthew Arnold Junkin

James K. Warrington, MSB, no.
Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor

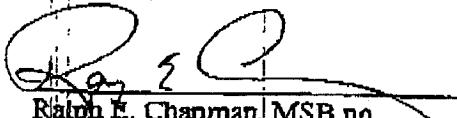


Lindsey Meador, MSB no. 2824
Attorney for Rachel Heather Utz Foster

Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor

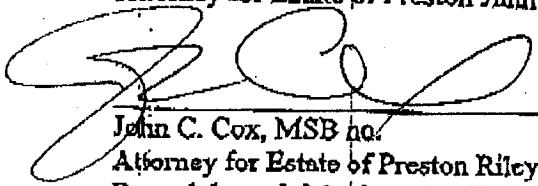
Transamerica Life and Annuity Company v. Rachel Riley et al.
United States District Court, N.D. Mississippi, Delta Div., no. 2:04CV190M-D
Agreed Order
page 4

Approved for entry by:



Ralph E. Chapman, MSB no.
Attorney for Rachel Riley

Ashley Ogden, MSB no.
Attorney for Estate of Preston Jimmy Utz,

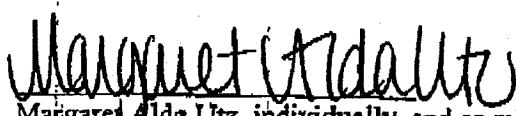


John C. Cox, MSB no.
Attorney for Estate of Preston Riley, deceased
By and through Martha Riley Fly, individually, and as Executrix

Andrew Westerfield, MSB no.
Attorney for Nancy Junkin and Matthew Arnold Junkin

James K. Warrington, MSB no.
Attorney for Tara Jean Utz, individually, and as mother and next friend
of Riley Blake Eddington, a minor

Lindsey Meador, MSB no.
Attorney for Rachel Heather Utz Poster



Margaret Alda Utz, individually, and as mother and next friend
of Presley McCain Utz, a minor